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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/27/2010 05:45 PM

Senator Lynn moved the following:

Senate Amendment (with title amendment)

Delete lines 31 - 35

and insert:

Section 1. Present subsections (4), (5), and (6) of section 322.16, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and amended, and a new subsection (4) is added to that section, to read:

322.16 License restrictions.—

(4) (a) During the first 6 months after the date of his or her licensure, a person who has not attained 18 years of age may not operate a motor vehicle while a passenger is in the vehicle who has not attained 18 years of age unless accompanied by a



959564

14 driver who holds a valid license to operate the type of vehicle
15 being operated and who is at least 21 years of age. Thereafter,
16 until attaining 18 years of age, such person may not operate a
17 motor vehicle while more than three passengers are in the
18 vehicle who have not attained 18 years of age. This subsection
19 does not apply to passengers who are siblings or children of the
20 driver, whether related by whole or half blood, by affinity, or
21 by adoption.

22 (b) State and local law enforcement agencies shall enforce
23 this subsection only as a secondary action when the driver of a
24 motor vehicle has been detained for a suspected violation of
25 another section of this chapter, chapter 316, or chapter 320.

26 (c) This subsection applies to any person younger than 18
27 years of age who is issued a driver's license on or after
28 October 1, 2010.

29 (d) This subsection does not apply to a minor whose
30 disability of nonage has been removed pursuant to s. 743.01.

31 (5)-(4) The department may, upon receiving satisfactory
32 evidence of any violation of the restriction upon such a
33 license, except a violation of paragraph (1)(d), subsection (2),
34 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
35 license, but the licensee is entitled to a hearing as upon a
36 suspension or revocation under this chapter.

37 (6)-(5) It is a misdemeanor of the second degree, punishable
38 as provided in s. 775.082 or s. 775.083, for any person to
39 operate a motor vehicle in any manner in violation of the
40 restrictions imposed in a license issued to him or her except
41 for a violation of paragraph (1)(d), subsection (2), ~~or~~
42 subsection (3), or subsection (4).



959564

43 ~~(7)-(6)~~ Any person who operates a motor vehicle in violation
44 of the restrictions imposed in subsection (2), ~~or~~ subsection
45 (3), or subsection (4) commits a noncriminal traffic infraction,
46 punishable as will be charged with a moving violation as
47 provided in and fined in accordance with chapter 318.

48 Section 2. Subsections (1) and (4) and paragraph (a) of
49 subsection (10) of section 318.14, Florida Statutes, are amended
50 to read:

51 318.14 Noncriminal traffic infractions; exception;
52 procedures.—

53 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
54 person cited for a violation of chapter 316, s. 320.0605, s.
55 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
56 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
57 charged with a noncriminal infraction and must be cited for such
58 an infraction and cited to appear before an official. If another
59 person dies as a result of the noncriminal infraction, the
60 person cited may be required to perform 120 community service
61 hours under s. 316.027(4), in addition to any other penalties.

62 (4) (a) Except as provided in subsection (12), any person

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 2 - 3

67 and insert:

68 An act relating to motor vehicles; amending s. 322.16,
69 F.S.; restricting the number of passengers under the
70 age of 18 permitted in a vehicle operated by a person
71 under the age of 18 unless accompanied by a driver at



959564

72 least 21 years of age; providing exceptions; providing
73 for secondary enforcement; providing penalties;
74 providing for applicability; amending s. 318.14, F.S.;
75 providing citation procedures for a violation of
76 certain restrictions in s. 322.16, F.S.; providing for
77 a person